

10

Attorney Docket No. PA181ACA2C1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of
Ephraim Zehavi, et al.

Serial No.: 09/851,655

Filed: May 9, 2001

For: Method and Apparatus for
Providing Variable Rate Data in a
Communications System Using
Non-Orthogonal Overflow Channels

Examiner: Phuongchau Ba Nguyen

Group Art Unit: 2665

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

Dear Sir:

JUL 23 2003

OFFICE OF PETITIONS

1. This application became abandoned on June 17, 2003.

2. This petition is filed:

within one year of the date of abandonment.
 within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.
 the three month period has been extended up to July 17, 2003.
 enclosed is a petition and fee for extension of the three month period to July 17, 2003.

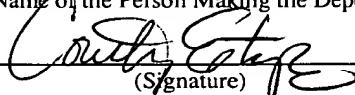
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

July 16, 2003

(Date of Deposit)

Courtney Etnyre

(Name of the Person Making the Deposit)


(Signature)

07/22/2003 AWONDAF1 00000052 170026 09851655

01 7001450 1300.00 DA

3. This application became abandoned unintentional.

4. Proposed response:

- has been filed.
- is attached.
- The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application co-pending with this application.

5. Fee (37 CFR 1.17(m))

Application status is:

- small entity – fee \$650.00.
 - Verified Statement attached.
 - Verified Statement filed.
- other than small entity – fee \$1,300.00.

RECEIVED

JUL 23 2003

OFFICE OF PETITIONS

6. Payment of fee:

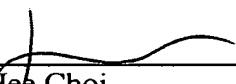
- Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated in the amount of \$(Type Amount).
The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed.
- The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

The undersigned declares further that all statements made herein are of his or her own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: July 16, 2003

By:


Jae-Hee Choi
Reg. No. 45,288

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502



U.S. Department of Commerce
Patent and Trademark Office
PATENT

DAC8

AMENDMENT TRANSMITTAL FORM

Assistant Commissioner for Patents
Washington, D.C. 20231

Attorney Docket No.: PA181ACA2C1
In Re Application of: Ephraim Zehavi
Serial Number: 09/851,655
Filed: May 9, 2001
Examiner: P. B. Nguyen
Group Art Unit: 2665

RECEIVED

JUL 23 2003

OFFICE OF PETITIONS

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above-identified application.

Applicant hereby petitions for a 3-month extension of time to file the enclosed Response.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entity Fee	Fee Paid	
Total*	45	28	17	x \$18 =	\$308	
Independent**	10	5	5	x \$84 =	\$420	
Multiple Dependent Claim(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			\$280	\$	
EXTENSION FEES	<input type="checkbox"/> One Month		\$110	\$		
	<input type="checkbox"/> Two Months		\$410	\$		
	<input checked="" type="checkbox"/> Three Months		\$930	\$930		
TERMINAL DISCLAIMER			\$110	\$		
			TOTAL FEE	\$1658		

*If the number in column a is less than 20, enter 0 in column c.

**If the number in column a is less than 3, enter 0 in column c.

5. Fee check in the amount of \$____ is enclosed to pay for any claim and/or extension fees.
6. Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated the amount of \$1658
The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed for fee processing.
7. The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

Date: July 16, 2003

Signature:

Jae Lee Choi
Attorney for the Applicant
Registration No. 45,288

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-1179
Facsimile: (858) 658-2502

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on:

July 16, 2003
(Date of Deposit)

Courtney Etnyre
(Name of the Person Making Deposit)

Courtney Etnyre
(Signature)